

The Michigan Interpreter Bill

House Bill No. 6087
2006

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When, Who and Where?

- ▶ HB 6087 was introduced on May 18, 2006, day after the "Day at the State Capitol for Deaf and Hard of Hearing People."
- ▶ Representative John Gleason of District 48 (Genesee County) introduced the bill.
- ▶ The bill is in the House Government Operations Committee waiting for action as of July 25, 2006.

What does HB 6087 do?

- ▶ Many federal and state laws already require accommodations be made for persons with hearing loss. PA 204, enacted before ADA, would now “mirror” those newer laws & clarify or define qualified interpreters when provided.
- ▶ Amends the existing Deaf Person’s Interpreter Act of 1982 (PA 204) that currently covers the courts and administrative hearings only.
- ▶ Expands coverage to educational institutions, medical providers, financial institutions, legal arenas, employers and state and local governments.
- ▶ Defines “qualified sign language and oral interpreter.”
- ▶ Defines “DeafBlind” person.
- ▶ Adds penalty section for interpreting without qualification or hiring unqualified interpreters.
- ▶ Authorizes DODHH to promulgate administrative rules covering requirements for certification, testing, application fees, and application and grievance procedures.

Video of Rep. Gleason's Presentation at the Day at the State Capitol



Communication is a Basic Right.

Communication is:

- ▶ Right guaranteed by the U.S and MI Constitution.
- ▶ DODHH's mission.
- ▶ The most important skill a person has or should have.
- ▶ The foundation for everything we do.
- ▶ Usually the reason problems exist.
- ▶ Access decided by people who have their communication but do not know the alternate methods.

Misconceptions About the Bill

- ▶ “This bill will force the employers to hire interpreters and thus it increases the cost of running business.”
 - This bill simply addresses the fact that if the employer hires an interpreter as required by the existing federal and state civil rights laws, he/she must make sure that the interpreter is qualified.
- ▶ “The precedent of this bill will lead to the same requests for other varied disability groups.”
 - The bill is only for sign language interpreters now in use and it prevents the businesses, schools, etc from using less skilled interpreters who can cause misunderstandings – resulting in a lack of equal access to services.

Misconceptions continued

- ▶ “The penalty is way so severe that no one wants to become an interpreter.”
 - The penalty fee and jail term is the same as other licensed professions in Michigan. Why should the interpreters be treated differently from nurses, electricians, audiologists, etc?
- ▶ “If at a social event, I talk with deaf person with a non-qualified interpreter, the interpreter and I will be fined.”
 - No. The law applies only to the specific situations required by the civil rights laws. Impromptu and casual conversations are not covered by civil rights laws.
- ▶ “The new requirements in the bill will cause interpreter shortage.”
 - It will increase number of sign language interpreters because the bill recognizes them as professional and they will be treated accordingly.

Misconceptions continued

- ▶ “The bill increases the cost to the state to operate the program of qualifying the interpreters.”
 - Division on Deaf and Hard of Hearing with advice of Michigan Deaf Association and Michigan Registry of Interpreters for the Deaf has been operating the Quality Assurance Program for Interpreters since 1982. It will be continued with some modifications through the Rules.
- ▶ “The current qualified interpreters will have to take test again under the new program.”
 - DODHH expects the Rules to allow those QA interpreters to “grandfather” into the state certification until their term expires and then retake the test. The currently nationally certified interpreters will just apply for state certification without taking any additional test.

Why Is the Bill Needed?

- ▶ Except for K-12 Education Administrative Rules for schools and P.A. 204 of 1982 for courts/ administrative hearings, there is no requirement to use qualified interpreter.
- ▶ Service providers often tell deaf persons to bring their family members to interpret.
- ▶ A large percent of schools use unqualified interpreters for deaf children's education.
- ▶ Unqualified interpreters tend to accept assignments and do the translation inaccurately.

Why Bill? continued

- ▶ Some unqualified interpreters charge the same hourly rate as the national/state qualified interpreters.
- ▶ Providers do not understand the quality issue. An interpreter is an interpreter to them.
- ▶ Deaf people have to justify the need for a qualified interpreter when asking for one. They lack technical skills in explaining the need or right.
- ▶ The penalty clause is necessary because it increases compliance with the law.

Medical Situations

- ▶ Non-qualified interpreter usage translates into impaired health status, lower likelihood of being given follow-up appointments, greater risk of hospital admissions, more drug complications, longer medical visits and use of more resources.

Difference Between Qualified and Non-Qualified Interpreter

- ▶ Non-qualified interpreter may not convey the message completely from deaf person to hearing person and vice-versa.
- ▶ Non-qualified interpreter may not follow the RID Code of Conduct. Example: confidentiality.
- ▶ Non-qualified interpreter is not trained to translate/interpret at various levels of sign communication.

Comparisons – Qualified Interpreter

Below is the comparison between qualified and non-qualified translations in communicating with a computer technician.

Technician voices:

The reason why EMC installation froze your computer is that your Windows registry has some corrupted files. What you should do is to download Windows Installer Clean Up program to clean out EMC application and you need to reinstall EMC after rebooting your computer. Do you have any questions?

Deaf person signs:

ME FINISH TRY REMOVE EMC. ME USE "C-O-N-T-R-O-L P-A-N-E-L ADD/REMOVE PROGRAMS. NO DIFFERENCE.

Interpreter signs - Interpreted:

REASON WHY E-M-C PUT FREEZE YOUR COMPUTER? YOUR WINDOWS REGISTER HAVE DAMAGE F-I-L-E-S. DO- DO? DOWNLOAD WINDOWS I-N-S-T-A-L-L-E-R CLEAN-UP PROGRAM. IT WILL CLEAN-UP EMC PROGRAM. YOU NEED PUT EMC AGAIN AFTER SHUT-DOWN START YOUR COMPUTER. HAVE QUESTIONS?

Interpreter voices in English:

Deaf person: I have tried to remove EMC by using Control Panel with Add/Remove Programs. It won't make any difference.

Comparisons – Non-Certified Interpreter

► Technician voices:

The reason why EMC installation froze your computer is that your Windows registry has some corrupted files. What you should do is to download Windows Installer Clean Up program to clean out EMC application and you need to reinstall EMC after rebooting your computer. Do you have any questions?

► Deaf person signs:

ME FINISH TRY REMOVE EMC. ME USE "C-O-N-T-R-O-L P-A-N-E-L ADD/REMOVE PROGRAMS. NO DIFFERENCE.

Errors are in red. The interpreter fingerspells word that already has sign (fingerspelled words have dashes); interpreter signs APPLY as in applying for job instead of program; interpreter missed fingerspelling; interpreter goes out of role telling deaf to ask questions.

Interpreter signs - Interpreted:

REASON WHY E-M-C I-N-S-T-A-L-L-A-T-I-O-N FREEZE YOUR COMPUTER? YOUR W-I-N-D-O-W-S R-E-G-I-S-T-R-Y HAVE DAMAGE F-I-L-E-S. WHAT YOU SHOULD DO IS T-O- D-O-W-N-L-O-A-D WINDOWS I-N-S-T-A-L-L-E-R CLEAN-UP APPLICATION APPLY T-O CLEAN-UP EMC PROGRAM. YOU NEED T-O R-E-I-N-S-T-A-L-L EMC AFTER R-E-B-O-O-T-I-N-G YOUR COMPUTER. D-O YOU HAVE ANY QUESTIONS?

Interpreter voices in English:

I finish try to remove EMC by using (I didn't catch that part) with Add/Remove Programs. There is no difference. (Interpreter signs: ASK HIM QUESTIONS.)

Example of Interpreter Cases DODHH Handled

- ▶ A public school asked DODHH for list of non-certified or non-qualified interpreters because the school cannot afford professional interpreters.
- ▶ A eye doctor in Kalamazoo stopped the interpreter from interpreting by holding her hands down when deaf patient brings his own interpreter after the doctor refused to provide one.
- ▶ School had QA II interpreter but they laid her off first and kept unqualified interpreter who worked there for a long time because she costs less.

Example cases continued

- ▶ A bank refused to provide an interpreter at loan closing.
- ▶ Police station, parole officer, and jail house refused to provide interpreting service.
- ▶ More and more schools call DODHH to verify the qualifications of interpreter candidates.

Arguments for HB 6087

- ▶ Effective communication access for deaf and hard of hearing persons will result in equal access to all phases of daily life
- ▶ Equal Access to the educational system for deaf and hard of hearing children
- ▶ Reduce barriers to employment
- ▶ Increase consumer satisfaction
- ▶ Increase compliance with existing laws
- ▶ Create additional job opportunities
- ▶ Set standards of excellence for the interpreters
- ▶ Prevent persons not possessing the certificate from using the titles for the profession.
- ▶ Recognize the interpreter as professional.
- ▶ Prevent the public from unethical or unqualified practitioners.

Arguments **Against** HB 6087

- ▶ May have additional bureaucracy
- ▶ May result in additional fees
- ▶ No guarantee the bill will increase the number of professionals available
- ▶ Determination of criteria for qualification.
- ▶ Shortage of qualified interpreters because of difficulty to meet the criteria
- ▶ DODHH is currently understaffed.

States with Interpreter Certification/License Program

Alaska

Massachusetts Texas

Georgia

Minnesota

Utah

Illinois

Missouri

Wisconsin*

Indiana

Nebraska

Kentucky

Ohio*

Maine

Oklahoma

* Educational interpreters only

General Information about Interpreting

Interpreters:

- ▶ are fluent in 2 or more languages
- ▶ have obtained post-secondary training
- ▶ adhere to the Registry of Interpreters for the Deaf Code of Conduct
- ▶ function as professionals
- ▶ have working knowledge of Deaf Culture
- ▶ are often the communication model for deaf students in public schools

General Information - continued

- ▶ It takes about 3 years to learn the American Sign Language and interpreting before taking the state QA test
- ▶ It then takes an additional 3-8 years to develop the native-like fluency before taking the national certification test.
- ▶ Michigan has about 250 QA and 90 certified interpreters.

Questions & Answers

For more information, contact:

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